

FACTS

5. In or around November 2014, Conn began calling Plaintiff in an attempt to collect a consumer debt allegedly owed by Plaintiff.

6. At all times mentioned herein, Conn contacted Plaintiff by placing calls to Plaintiff's cellular telephone 806-xxx-8038 using an automated telephone dialer system with an artificial or prerecorded voice.

7. When Plaintiff answered the calls from Conn, she heard a prerecorded message requesting a call back from Plaintiff.

8. On or around December 10, 2014, Plaintiff called Conn and made payment arrangement. Plaintiff further directed Conn to cease calling her cellular phone.

9. Despite being unequivocally advised by Plaintiff to stop calling, Conn continued to call Plaintiff at a repeated and harassing rate, placing up to five calls daily.

COUNT I

VIOLATIONS OF THE TCPA – 47 U.S.C. § 227, et seq.

10. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

11. At all times mentioned herein, Conn called Plaintiff on her cellular telephone using an ATDS or predictive dialer and/or by using a prerecorded or artificial voice.

12. Plaintiff did not provide and/or revoked her express consent to be contacted on her cellular telephone.

13. Conn continued to place calls to Plaintiff's cellular telephone after being advised by Plaintiff that she wanted all calls to cease. As such, each call placed to Plaintiff was made in

knowing and/or willful violation of the TCPA, and is subject to treble damages pursuant to 47 U.S.C. § 227(b)(3)(C).

14. The telephone number called by Conn was assigned to a cellular telephone service for which Plaintiff incurs charges for incoming calls pursuant to 47 U.S.C. § 227(b)(1).

15. The calls from Conn to Plaintiff were not placed for “emergency purposes” as defined by 47 U.S.C. § 227(b)(1)(A)(i).

16. Each of the aforementioned calls made by Conn constitutes a violation of the TCPA.

17. Plaintiff is entitled to an award of \$500.00 in statutory damages for each call placed in negligent violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).

18. As a result of each call made in knowing and/or willful violation of the TCPA, Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that judgment be entered against the Defendant:

- A. Statutory damages of \$500.00 for each violation determined to be negligent pursuant to 47 U.S.C. § 227(b)(1)(A);
- B. Treble damages for each violation determined to be willful and/or knowing pursuant to 47 U.S.C. § 227(b)(3)(C);
- C. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: January 20, 2015

Respectfully submitted,

By: /s/ Jenny DeFrancisco

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